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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,839	05/31/2005	Steven G. E. Aerts	BE 020040	6487
65913	7550	04/03/2009	EXAMINER	
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			DARE, RYAN A	
			ART UNIT	PAPER NUMBER
			2186	
			NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary

Application No.

10/536,839

Applicant(s)

AERTS, STEVEN G. E.

Examiner

RYAN DARE

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The specification is objected to for not providing antecedent basis for the term "computer readable medium."

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka et al., US Patent 6,654,949, In view of Sakoh et al., US Patent 6,704,434.
5. With respect to claim 1, Nonaka teaches a portable content presentation device comprising: a content signal source for providing a first content signal; a memory; a presentation signal generator operable to generate a presentation signal from the first content signal; a portability processor for determining a portability state of the portable content presentation device; and a memory controller operable to dynamically adjust a

first memory allocation of the memory associated with the first content signal, in col. 4, lines 4-58, where the pickup and amplifier supply the signal, the vibration resistive memory controller 6 is the portability processor, and the controller creates the first memory allocation in memory 7, and col. 5, lines 6-64.

Nonaka fails to teach a second memory allocation. Sakoh teaches creating a second memory allocation of the memory for a second application in response to the portability state, in col. 16, lines 15-35.

It would have been obvious to one of ordinary skill in the art, to modify the content presentation device of Nonaka with the content presentation device of Sakoh in order to not only buffer audio data, as with Nonaka, but also to buffer image data, in order to preserve the image stream, as taught by Sakoh in col. 16, lines 15-35.

6. With respect to claim 2, Nonaka teaches a portable content presentation device as claimed in claim 1 wherein the first memory allocation is a buffer memory allocation for the first content signal, in col. 4, lines 4-58.

7. With respect to claim 3, Nonaka teaches a portable content presentation device as claimed in claim 2 wherein the first memory allocation is electronic shock protection memory and the portable content presentation device comprises a shock protection processor operable to control the buffering of the first content signal in the memory so as to reduce fluctuations in a content signal buffer output rate, in col. 4, lines 4-58.

8. With respect to claim 4, Nonaka teaches a portable content presentation device as claimed in claim 1 wherein the portability state comprises a portability state indication

of whether the portable content presentation device is in a substantially stationary state or in a substantially portable state, in col. 4, lines 4-12.

9. With respect to claim 5, Nonaka teaches a portable content presentation device as claimed in claim 4 wherein the portability processor is operable to set the portability state indication in response to a movement detection, in col. 4, lines 4-12.

10. With respect to claim 6, Nonaka teaches a portable content presentation device as claimed in claim 4 wherein the portability processor is operable to set the portability state indication in response to a detection of the portable content presentation device having an external connection, in col. 1, lines 9-14.

11. With respect to claim 7, Nonaka teaches a portable content presentation device as claimed in claim 6 wherein the external connection is an external connection to a substantially stationary presentation device, in col. 1, lines 9-14.

12. With respect to claim 8, Nonaka teaches a portable content presentation device as claimed in claim 6 wherein the external connection is an external connection to a power source, in col. 4, lines 4-58.

13. With respect to claim 9, Nonaka teaches a portable content presentation device as claimed in claim 1 wherein the second application is a control application of the portable content presentation device, in col. 5, lines 27-31.

14. With respect to claim 10, Nonaka teaches a portable content presentation device as claimed in claim 1 wherein the content source is further operable to provide a second content signal and wherein the second application is a processing function associated with the second content signal, in col. 5, lines 6-64.

15. With respect to claim 11, Sakoh teaches a portable content presentation device as claimed in claim 1 wherein the second application is a presentation application of a second content signal, in col. 16, lines 15-35.

16. With respect to claim 12, Sakoh teaches a portable content presentation device as claimed in claim 11 wherein the second content signal is a different type of content signal than the first content signal, in col. 16, lines 15-35.

17. With respect to claim 13, Nonaka and Sakoh teach a portable content presentation device as claimed in claim 12 wherein the first content signal is an audio content signal and the second content signal is a visual content signal, in col. 5, lines 27-31 of Nonaka, and col. 16, lines 15-35 of Sakoh.

18. With respect to claim 14, Saokoh teaches a portable content presentation device as claimed in claim 13 wherein the second application is an image presentation application and the portable content presentation 30 device (101) is operable to use the second memory allocation as an image cache, in col. 16, lines 15-35.

19. With respect to claim 15, Sakoh teaches a portable content presentation device as claimed in claim 1 wherein the second application is enabled by the creation of the second memory allocation, in col. 16, lines 15-35.

20. With respect to claim 16, Nonaka teaches a portable content presentation device as claimed in claim 1 wherein the portable content presentation device is a portable audio player, in col. 1, lines 5-8.

21. With respect to claim 17, Nonaka teaches a portable content presentation device as claimed in claim 1 wherein the memory consists in single memory element, in col. 5, lines 28-36, memory 7.
22. Claim 18 is rejected using similar reasoning as claim 1.
23. Claim 20 is rejected for similar reasons as claim 18.

Response to Arguments

24. Applicant's arguments with respect to claims 1 and 20 have been considered but are moot in view of the new ground(s) of rejection. The Sakoh reference is being used to cure the deficiencies in Nonaka, specifically the second memory allocation for an image cache. With respect to applicant's arguments regarding the adjustment of the first memory allocation, the examiner disagrees. Nonaka, col. 5, lines 6-64, clearly describe dynamically adjusting a first memory allocation in response to a shock.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN DARE whose telephone number is (571)272-4069. The examiner can normally be reached on Mon-Fri 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571)272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2186

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Dare/
March 30, 2009

/Pierre-Michel Bataille/
Primary Examiner, Art Unit 2186